

Attorney Docket No.: DEX-0205  
Inventors: Pluta et al.  
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Group I, claims 1-6 and 19, drawn to a nucleic acid molecule, antisense oligonucleotide, vector, host cell and method of making a protein, classified in class 536, subclass 23.1

Group II, claims 7, 9 and 23, drawn to a polypeptide and vaccine, classified in class 530, subclass 350;

Group III, claim 8, drawn to an antibody classified in class 530, subclass 387.1;

Group IV, claims 10-14, drawn to a method of diagnosing, staging and monitoring stomach cancer, classified in class 435, subclass 7.1;

Group V, claim 15, drawn to a method of identifying potential therapeutic agents, classified in class 435, subclass 4; /

Group VI, claims 16-17, drawn to a method of imaging stomach cancer using an antibody, classified in class 424, subclass 1.49;

Group VII, claims 18-19 drawn to a method of treating stomach cancer, classified in class 424, subclass 183.1;

Group VIII, claim 20, drawn to a method of identifying a compound that antagonizes or agonizes the SSG polypeptide, classified in class 435, subclass 7.1;

Group IX, claim 21, drawn to SSG polypeptide agonists, classified in class 530, subclass 350;

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Group X, claim 22, drawn to SSG polypeptide antagonists, classified in class 530, subclass 350; and

Group XI, claims 24-25, drawn to a method of inducing an immune response and treating stomach cancer using a vaccine, classified in class 424, subclass 184.1.

The Examiner suggests that these inventions are distinct as being unrelated.

Specifically, the Examiner suggests that while Groups I-III and IX-X and Groups IV-VIII and XI are related as products and processes of use, respectively, the Groups are distinct because the products can be used for a number of different processes that are very much unrelated. Further, the Examiner suggests that the products of Groups I-III and IX-X are structurally and functionally different molecules with different immunological properties, thus requiring different reagents and steps to make and characterize the molecules. In addition, the Examiner suggests that the methods of Groups IV-VII differ in method steps, modes of operation, reagents needed and serve different endpoints and effects.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there

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would be a serious burden on the Examiner if the restriction is not required. A proper search of the prior art relating to the Group I, should also reveal art relating to the claims of Groups II through XI. Thus, it does not appear that a serious burden would be placed upon the Examiner if restriction were not made.

Accordingly, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, it is respectfully requested that this Restriction Requirement be withdrawn.

However, in an earnest effort to be completely responsive, Applicants elect to prosecute Group I, claims 1-6 and 19, with traverse.

With respect to Group I, the Examiner suggests that election of a single species is required.

Applicants respectfully disagree.

In accordance with MPEP § 808.01, an election of species should be made when a generic claim recites such a multiplicity of species that an unduly extensive and burdensome search is required. In the instant case, however, the generic claim is not drawn to such a large multiplicity that search of all species would be unduly extensive or burdensome. Only 13 sequences have been set forth by the Examiner as different species. Accordingly,

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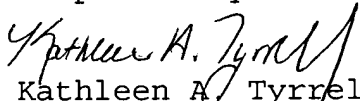
reconsideration of this species election requirement is respectfully requested.

In an earnest effort to be completely responsive, however Applicants elect Species B (SEQ ID NO:2), with traverse.

In accordance with MPEP § 809.01 and 37 C.F.R. § 1.146, it is respectfully pointed out that the claims should only be restricted to this species if no generic claim is held allowable.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

  
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